

## **REMARKS/ARGUMENTS**

Applicants have received the Office Action dated December 28, 2006, in which the Examiner: 1) objected to claim 16 because of informalities; 2) rejected claims 11-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; 3) rejected claims 2 and 19 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite; 4) rejected claims 11- 12, 15 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,139,973 ("*Kirkwood*"); 5) rejected claims 13, 14 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Kirkwood* in view of U.S. Pub. No. 2004/0243613 ("*Pourheidari*"); and 6) rejected claim 16 as being unpatentable over *Kirkwood* in view of U.S. Pub. No. 2004/0083199 ("*Govindugari*").

With this Response, Applicants have amended claims 11, 16 and 18. Based on the amendments and arguments presented herein, Applicants respectfully request reconsideration and allowance of the pending claims.

### **I. CLAIM OBJECTIONS**

The Examiner objected to the term "for" in claim 16. Merely to expedite prosecution of the claims, Applicants have amended claim 16 to replace "for suggestions of" with "to suggest" as recommended by the Examiner. The amendment does not affect the scope of claim 16. Applicants respectfully request that the objection to claim 16 be withdrawn.

### **II. REJECTIONS UNDER 35 U.S.C. § 101**

The Examiner rejected claims 11 and 18 as being non-statutory subject matter and recommended amendments for the claims. Merely to expedite prosecution of the claims, Applicants have amended claim 11 to recite "[a] method performed by at least one processor" and claim 18 to recite "a program executable by a processor." The amendments do not affect the scopes of claims 11 and 18. Applicants respectfully request that the rejection of claims 11 and 18 under 35 U.S.C. § 101 be withdrawn.

### **III. REJECTIONS UNDER 35 U.S.C. § 112, 2<sup>ND</sup> PARAGRAPH**

The Examiner rejected claims 2 and 19 as lacking sufficient antecedent basis for the term "the dependent relationships." Applicants assume the

Examiner intended to reject claims 12 and 19 rather than claims 2 and 19. Claims 12 and 19 have been amended to replace the term “the dependent relationships” with “dependent relationships.” Applicants respectfully request that the rejection of claims 12 and 19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **IV. REJECTIONS UNDER 35 U.S.C. § 102(e)**

The Examiner rejected claims 11-12, 15 and 17-19 as being anticipated by *Kirkwood*. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631. “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236.

With respect to claim 11, *Kirkwood* fails to teach “generating a node to represent a functional relationship between one or more objects of distinct ontologies in a metadata system.” *Kirkwood* specifically mentions a single ontology model (see col. 11, lines 26-30) rather than distinct ontologies as required in claim 11. For at least this reason, claim 11 and its dependent claims are allowable over *Kirkwood*.

With respect to claim 18, *Kirkwood* fails to teach a program that causes a processor to “generate a node to represent a functional relationship between one or more objects of distinct ontologies in a metadata system.” Again, *Kirkwood* specifically mentions a single ontology model (see col. 11, lines 26-30) rather than distinct ontologies as required in claim 18. For at least this reason, claim 18 and its dependent claims are allowable over *Kirkwood*.

#### **V. CONCLUSION**

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may

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be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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